



PUBLIC NOTICE

Federal Communications Commission
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DA 10-473
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COMMENT SOUGHT ON BEEHIVE'S AMENDMENT TO ITS PETITION FOR DECLARATORY RULING

WC Docket No. 10-36

COMMENTS DUE: April 5, 2010
REPLY COMMENTS DUE: April 15, 2010

On March 13, 2010, Beehive Telephone Co., Inc. and Beehive Telephone Co. Inc. Nevada (Beehive) filed an amendment to its petition for declaratory ruling filed February 2, 2010 in WC Docket No. 10-36.¹ Beehive's amendment requests that the Commission issue a ruling "in the form of a letter issued under delegated authority."² Specifically, Beehive's amendment requests that the Commission confirm that: 1) "the Commission dismisses complaints by local exchange carriers that either (a) seek the recovery of unpaid access charges that are allegedly due under the terms of a federal tariff, or (b) purport to allege a violation of 47 U.S.C. § 201(b), but state an action for recovery of unpaid access charges allegedly due under the terms of a federal tariff;" 2) "[u]nder 47 U.S.C. § 208(a), the Commission cannot dismiss a complaint because of the absence of direct damage to the complainant;" 3) "Beehive's informal complaint did not include either (a) an allegation that it was damaged by any contact for which liability is imposed on carriers under 47 U.S.C. § 206, or (b) a claim for the recovery of damages sustained by such conduct;" and 4) "[t]he informal complaint included the statement that Beehive was not (a) alleging damages or (b) seeking the recovery of damages."³

Interested parties may file comments on the Beehive Amendment on or before **April 5, 2010** and reply comments on or before **April 15, 2010**. Filings in this proceeding should be captioned "Beehive Petition for Declaratory Ruling" and filed in WC Docket No. 10-36.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Suite TW-A325, Washington, DC 20554. Two courtesy copies must be delivered to Lynne Hewitt Engledow, Federal Communications

¹ See Beehive Petition for Declaratory Ruling; Amendment to Petition for Declaratory Ruling, WC Docket No. 10-36 (filed Mar. 13, 2010) (Beehive Amendment). This amendment was filed after the conclusion of the established comment cycle for the Petition for Declaratory Ruling. See *Pleading Cycle Established for Comments on Petition for Declaratory Ruling of Beehive Telephone, Co., Inc. and Beehive Telephone Co. Inc. Nevada*, WC Docket No. 10-36, Public Notice, DA 10-243 (WCB rel. Feb. 12, 2010).

² Beehive Amendment at 1.

³ *Id.*

Commission, Wireline Competition Bureau, Pricing Policy Division, 445 12th Street, SW, Room 5-A361, Washington, DC 20554 or via e-mail at lynne.engledow@fcc.gov. One copy must also be sent to Best Copy and Printing, Inc., Portals II, 445 12th Street SW, Suite CY-B402, Washington, DC 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail at fcc@bcpiweb.com.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments.
 - For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov and include the following words in the body of the message: get form <your email address>. A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.
Parties are strongly encouraged to file comments electronically using the Commission's ECFS.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours are Monday through Friday, 8:00 a.m. to 7:00 p.m.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. They may also be purchased from the Commission's duplicating

contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail at fcc@bcpiweb.com.

This Public Notice establishes certain procedural requirements relating to consideration of the amendment to the petition. This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁴ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required.⁵ Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission’s rules.⁶

For further information, contact Lynne Hewitt Engledow of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-1520, or via e-mail at lynne.engledow@fcc.gov.

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⁴ See 47 C.F.R. §§ 1.1200, 1.1206.

⁵ See 47 C.F.R. § 1.1206(b).

⁶ See *id.*